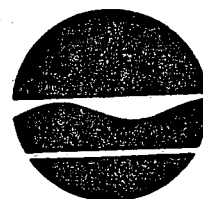


**New York State Department of Environmental Conservation**  
60 Wolf Road, Albany, New York 12233



**Thomas C. Jorling**  
Commissioner  
WL# nel

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

JAN 24 1990

Mr. John Sweeney  
Plant Manager  
Nelson Galvanizing  
11-02 Broadway  
Long Island City, NY 11101

RE: Hazardous Waste Compliance Inspection Date: October 3, 1989  
Location of Handler: Same as Above

EPA Identification Number: NYD001229350

Dear Mr. Sweeney:

In order to determine compliance with the New York State Hazardous Waste Regulations, the New York State Department of Environmental Conservation conducted an inspection of your facility on the above referenced date.

As a result of that inspection, review of documentation submitted by your facility to this Department, and applying the New York State Hazardous Waste Regulations, we believe that your facility is operating as a generator of hazardous waste.

6NYCRR Part 373-1.1(d)(1)(iii) requires a generator who accumulates any hazardous waste on-site for a period of 90 days or less, or in quantities less than 8,800 gallons in containers or 20,000 gallons in tanks, meet the following requirements in order to not be subject to the regulations applicable to hazardous waste treatment, storage and disposal facilities (other than the storage of liquid hazardous wastes in the counties of Kings, Nassau, Queens and Suffolk):

- the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
- a label or sign stating "Hazardous Waste" must identify all areas, tanks, and containers used to accumulate hazardous waste.

You have not met the requirement(s) identified above and, therefore, are in violation of 6NYCRR Part 373-1.1(d)(1)(iii).

6NYCRR Part 373-3.9(d) requires generators who accumulate hazardous waste in containers to manage such containers as set forth below:



- a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

You have not met the above requirements and, therefore, are in violation of 6NYCRR Part 373-3.9(d).

6NYCRR Part 372.2(c)(1) requires the generator to do the following:

- keep a copy of each Annual Report and Exception Report for at least three years from the date of the report.

You have not met this requirement and, therefore, are in violation of 6NYCRR Part 372.2(c)(1).

6NYCRR Part 372.2(b)(2)(ii) requires that the generator confirm by written communication that the designated transporter is authorized to deliver the waste to the facility on the manifest. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 372.2(b)(2)(ii).

6NYCRR Part 373-3.2(g)(4) requires the owner or operator to maintain the following documents and records at the facility:

- the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each position.
- a written job description for each applicable position. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.
- a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position [related to hazardous waste management].
- records that document that the training or job experience required has been given to, and completed by facility personnel.

You have not maintained the above documentation and, therefore, are in violation of 6NYCRR Part 373-3.2(g)(4).

6NYCRR Part 373-3.2(g)(1),(2),(3) requires that facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Subpart. In addition, the owner or operator must ensure that:

- this program is directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures

(including contingency plan implementation) relevant to the positions in which they are employed.

- at a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable:
  - procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
  - key parameters for automatic waste feed cut-off systems;
  - communications or alarm systems;
  - response to fires and explosions;
  - response to groundwater contamination incidents; and
  - shutdown of operations.
- facility personnel successfully complete the program required within 6 months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements.
- facility personnel take part in an annual review of the initial training required.

You have not met the above requirement(s) and, therefore, are in violation of 6NYCRR Part 373-3.2(g)(1),(2),(3).

6NYCRR Part 373-3.2(g)(5) states: "Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company." You have not maintained the required records and, therefore, are in violation of 6NYCRR Part 373-3.2(g)(5).

6NYCRR Part 373-3.3(b) requires a facility to be operated and maintained to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water which could threaten human health or the environment. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 373-3.3(b).

6NYCRR 373-3.3(f) requires that the owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless

aisle space is not needed for any of these purposes. Your facility does not have adequate aisle space in all areas and, therefore, is in violation of 6NYCRR part 373-3.3(f).

6NYCRR Part 373-3.3(g)(1) requires that the owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services for these organizations:

- arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.
- agreements with State emergency response teams, emergency response contractors, and equipment suppliers.
- arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

You have not made the above noted arrangements and, therefore, are in violation of 6NYCRR Part 373-3.3(g)(1).

6NYCRR Part 373-3.4(b)(1) requires that each owner or operator must have a Contingency Plan for the facility. The Contingency Plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 363-3.4(b)(1).

6NYCRR Part 373-3.4(c)(1) requires the following content in a Contingency Plan:

- the Contingency Plan must describe actions facility personnel must take to comply with New York State Hazardous Waste Regulations in response to fires, explosions, or any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil or surface water at the facility.
- if the owner or operator has already prepared a Spill Prevention, Control, and Counter measure (SPCC) Plan as defined in 6NYCRR subdivision 610.2(j) and 40 CFR 300 (see 6NYCRR subdivision 370.1(e)), or some other Emergency or Contingency Plan, he need only amend that Plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Subpart.
- the Plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State

and local emergency response teams to coordinate emergency services.

- the Plan must list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and the others must be listed in the order in which they will assume responsibility as alternates.
- the Plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communication and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.
- the Plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

Your Contingency Plan is not complete as identified, therefore, you are in violation of 6NYCRR Part 373-3.4(c)(1).

6NYCRR Part 373-3.4(d)(2) requires that each owner or operator must submit copies of their Contingency Plan to all local police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services. You do not meet this requirement and, therefore, are in violation of 6NYCRR Part 373-3.4(d)(2).

A violator of the New York State Hazardous Waste Regulations is exposed to potential civil and criminal sanction under the Environmental Conservation Law. Upon determination of culpability after opportunity for hearing, a civil penalty of up to \$25,000 per day may be imposed for a first offense, \$50,000 per day for a second offense. Should the cited violations not be corrected, an action for the assessment of a civil penalty will be initiated. Furthermore, please be advised that this letter in no way precludes future enforcement actions for any other violations discovered as a result of any other inspection.

Please confirm in writing within 30 days of the date of this letter, that the above referenced violations have been corrected and include supporting documentation as appropriate. You MUST include your EPA Identification Number on all correspondence. This confirmation should be addressed to:

Mr. Sudhir H. Jagirdar, P.E.  
Regional Hazardous Substances Engineer  
New York State Department of Environmental Conservation  
Hunter's Point Plaza  
47-40 21st Street  
Long Island City, New York 11101  
(718) 482-4900  
Attention: Mr. Sam Arakhan, Inspector

with a copy to: .

New York State Department of Environmental Conservation  
Division of Hazardous Substances Regulation  
Bureau of Hazardous Waste Facility Compliance  
Compliance Inspection Unit  
50 Wolf Road - Room 208/204  
Albany, New York 12233-7252  
(518) 457-0532  
Attention: Ms. Denise Stephens, Reviewer

If you have any questions about this notice or should you wish to discuss this matter further, please contact the Inspector or the Reviewer at the telephone number above. A copy of the Inspection Form is enclosed for your information.

Sincerely,



Janakrai M. Desai, P.E.  
Supervisor  
Compliance Inspection Unit  
Bureau of Hazardous Waste Facility Compliance  
Division of Hazardous Substances Regulation

Enclosure

cc: Mr. Cyril Moore, Regional Attorney, Region 2  
Mr. Sudhir Jagirdar, Regional Hazardous Substances Engineer, Region 2  
Mr. Sam Arakhan, Inspector, Region 2  
Ms. Denise Stephens, Reviewer, Central Office  
New York State Department of Environmental Conservation

HAZARDOUS WASTE  
SOLID AND

JAN 24 1990